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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,980	01/31/2001	Shigeo Murase	Q61602	2642

7590 09/02/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/772,980	MURASE, SHIGEO	
	Examiner	Art Unit	
	JAGDISH PATEL	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is in response to amendment filed 6/2/05.

Response to Amendment

2. Claims 1-8 have been amended and new claims 9-10 have been added. Claims 1-10 are currently pending.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on October 28, 2002 is considered by the examiner. (see attachment.)

Response to Arguments

4. Rejection of claims 5 and 7-8 under 35 USC 112 (second) has been withdrawn.
5. Applicant's arguments with respect to claims 1-8 under prior art of Usui have been considered but are moot in view of the new ground(s) of rejection.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Jansen et al. (US Pat. 6,243,450) (hereafter Jansen).

As per Claim 1 Jansen a video and information providing system with automated billing comprising:

a monitor connected to a provider through a telecommunication link via a server; (see Figure 1, display 16 included in a public multimedia services kiosk apparatus)

a signal receiving unit for receiving video signals output to said monitor (see communication line 28 including an Ethernet base T connection)

and

a billing unit proximate to said monitor and said signal receiving unit for receiving a basis for payment from a user for integrating Internet use time of the telecommunication link or projection time for which the video signals are projected on said monitor through said signal receiving unit, and for calculating a use charge based on a result of this integration,

wherein a user provides basis for payment of the use charge to said billing unit and is thereby allowed to utilize the Internet through the telecommunication link and to at least view the video signals on said monitor.

(see credit card reader 30 proximate to the monitor 16 which receives basis of payment from a user, col. 3 L 38+ , col. 5 L 12-22 describes basis for payment and col. 10 describes the Internet use time in conjunction with Fig. 10-12).

Claim 2. wherein the telecommunication link is composed of a LAN system.

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(col. 3 L 66- col. 4 L 8, refer to intranet 38)

Claim 5: wherein the use charges are paid using a prepaid card (see col. 5 L 12+ "pre-paid value card")

Claim 6. wherein said billing unit is constructed so that the result of the integration are transmitted to said provider through the telecommunication link, and the user is billed for the use charges based on the results of the integration transmitted to said provider.
(refer to col. 4 L 5-8, the vendor servers ..provide credit or authorization services).

Claim 7: the provider is connected to a financial institution .. (Figure 3, credit card services, col. 5 L 4-6 and Figure 16 "card clearing task").

All limitations of Claims 9 and 10 have been addressed in claims 1 and 6.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. §103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-4 and 8 are rejected under 35 U.S.C. §103 being unpatentable over Jensen.

Regarding Claims 3-4. wherein said monitors are installed in individual homes, and said server for a plurality of homes is provided outside the homes, wherein a plurality of said monitors are installed in a hospital ward, and said server is also installed in the ward. Jensen fails to teach that the claimed system and/or its constituent parts are installed at the specified locations. However, since the operation or the functionality of the operation are not modified by the recited location(s) as recited in the claims, it would have been obvious to one of ordinary skill in the art to install the monitors and the server at the desired locations.

See In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch

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were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.)

Claim 5 is similarly analyzed as per claims 3 and 4 because it also concerns location of the monitor.

Regarding claim 8, Jensen fails to teach that the use charges are paid in cash.

Official Notice is taken selling goods and services using cash payment is old and well known.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention have the use charges in cash because it would facilitate the payment for the services in the situations where alternative method of payments (credit-card, debit-card, smart card etc.) are not available due to system problem or the user cannot pay using the alternative methods.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837.

The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/7/05